Department of Education

Performance Report

Performance Period July 2003 – September 2003

Introduction

Throughout this period the Department of Education continued to monitor performance and review practices and procedures necessary to sustain system infrastructure and performance necessary to meet the needs of students requiring educational and mental health supports. A dynamic management process is used to assist in administrative decision-making that ensures the meaningful application of resources, fiscal and human, to achieve high levels of student achievement. This process relies on data collected through multiple means to provide current information on system infrastructure and performance. During this quarter, the Department continued to refine data collection and analysis processes down to the school level to improve system responsiveness and to provide a clearer picture of system performance.

The first quarter of each school year represents a unique period. Due to the multiple school calendars, schools begin regular school operations through out the quarter. This means there is a continued adjustment from projected resource needs to actual needs based on true school enrollment.

Infrastructure

The Comprehensive Student Support System (CSSS) continues to provide the requisite infrastructure for the provision of programs necessary to provide educational, social, and emotional supports and services to all students, affording them an opportunity to benefit from instructional programs designed to achieve program goals and standards. EDN150 allocations contain those resources, fiscal, human, material, procedural, and technological, important to the provision of appropriate supports and services to students within the Felix Class. The objective of EDN150 programs are to maintain a system of student supports so that any student requiring individualized support, temporary or longer term, has timely access to those supports and services requisite to meaningful achievement of academic goals.

The next segments of this section contains elements of the CSSS infrastructure determined to be essential to the functioning of a support system constituting an adequate system of care. During the course of the Felix Consent Decree, the Department routinely provided progress reports addressing the availability of qualified staff, funding, and an information management system (ISPED) as a means to provide information germane to assessing system capacity to provide a comprehensive student support system.

Population Characteristics

The Department provides educational supports and services within CSSS levels 4 and 5 to approximately 14.6% of the total student enrollment. These are documented in Individualized Education Plans (IEP) or 504 Modification Plans (MP). Students

receiving educational services through the Individuals with Disabilities Education Act (IDEA) must first be determined to have a disability and, due to the disability, be in need of specialized instruction. Section 504 students: 1) must have a physical or mental impairment, which substantially limits one or more major life activities, or have a record of such an impairment; or 2) be regarded as having such an impairment, and be in need of modifications or supports to benefit from instruction. Of those students requiring CSSS supports in levels 4 and 5, 23,400 (88%) are IDEA eligible and 3,227 (12%) are eligible under Section 504.

Table 1 of this section delineates the numbers, relative percentage, and change from last report period by IDEA eligibility category. There was a 2.7% decrease in the number of students receiving IDEA services during this period. A decrease in the number of special education students in the first quarter of a new school year from the final quarter of the previous school year is not uncommon as students graduate or leave the state while newly identified students have not yet completed the evaluation and eligibility process.

Table 1: Change in Number and Relative Percentage of Students Eligible for Special Education, 6/30/03 to 9/30/03

Disability	6/30/03		9/30/03		Change
	#	%	#	%	%
Mental Retardation	2,121	8.8	2,005	8.6	-.2%
Hearing Impairment	443	1.8	441	1.4	-.4%
Speech/language Impairment	1,520	6.3	1,475	6.3	-
Other Health Impairment	2,195	9.1	2,195	9.4	+. 3%
Specific Learning Disability	10,569	44	10,122	43.3	-.75%
Deaf-Blindness	4	.0	5	.0	-
Multiple Disabilities	391	1.6	386	1.6	-
Autism	752	3.1	759	3.2	+. 1%
Traumatic Brain Injury	86	.3	82	.4	+. 1%
Developmental Delay	2,604	10.8	2,729	11.7	+. 9%
Visual Impairment	80	.3	72	.3	-
Emotional Disturbance	3,089	12.8	2,949	12.6	-.2%
Orthopedic Impairment	121	.5	112	.5	-
TOTAL	24,050		23,400		-2.7%

Approximately 32.5% of students receiving educational supports and services also require related services to address social, emotional, or behavioral needs in order to make meaningful progress on goals identified in their IEP or MP. At the end of this report period, 80% (6,733) of those students were IDEA and 20% (1,657) were 504. Over 4.7% of the total student enrollment receives educational and related services to address educational and social, emotional, or behavioral needs in the educational arena.

Services provided to these students fall in two broad categories: School Based Behavioral Health (SBBH) Services and services to students with Autism Spectrum Disorder (ASD). While the determination of need for and type of SBBH or ASD service necessary for any individual student to benefit from their educational plan is made by a team during the development of the plan, guidelines regarding the provision of these services are in the joint DOE and DOH Interagency Performance Standards and Practice Guidelines.

(134) The system must continue to hire and retain qualified teachers and other therapeutic personnel necessary to educate and serve children consistently

(Revised Felix consent Decree, July 1, 2000, page 20)

Qualified Staff

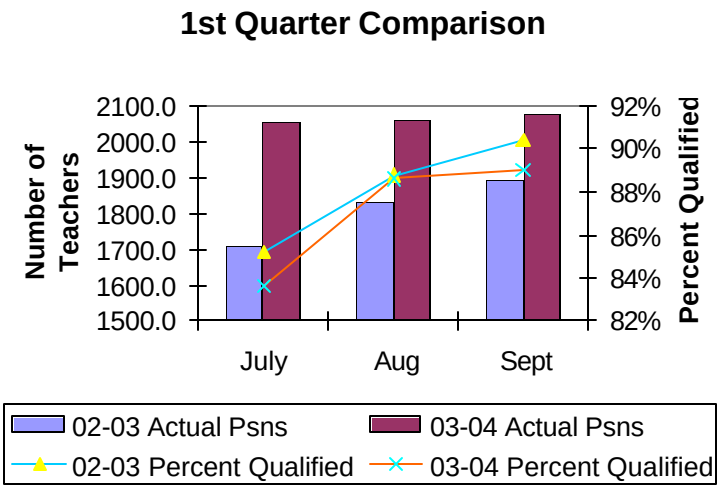
Qualified staff providing instructional and related services are the lynchpin of appropriate educational and related services for students with disabilities, for they are the ones with expertise and training in curriculum, instruction, and knowledge of the impact of the student's disability on the learning process. They, in conjunction with parents and others, develop and implement appropriate interventions designed to meet the unique needs of students.

The following staffing goals provide evidence that there are sufficient qualified teachers evenly distributed across the state to ensure timely access to specialized instruction for students and professional support to those providing educational and related services and supports to students with disabilities.

Infrastructure Goal #1: Qualified teachers will fill 90% of the special education teacher positions in classrooms.

The percent of qualified special education teachers provides an important measure of the overall availability of special education instructional knowledge available to support student achievement.

At the end of this report period there were 2,079 special education teaching positions. There were 1,851 (89%) qualified special education teachers. This is an increase of 115 qualified special education teachers over the same quarter last year.



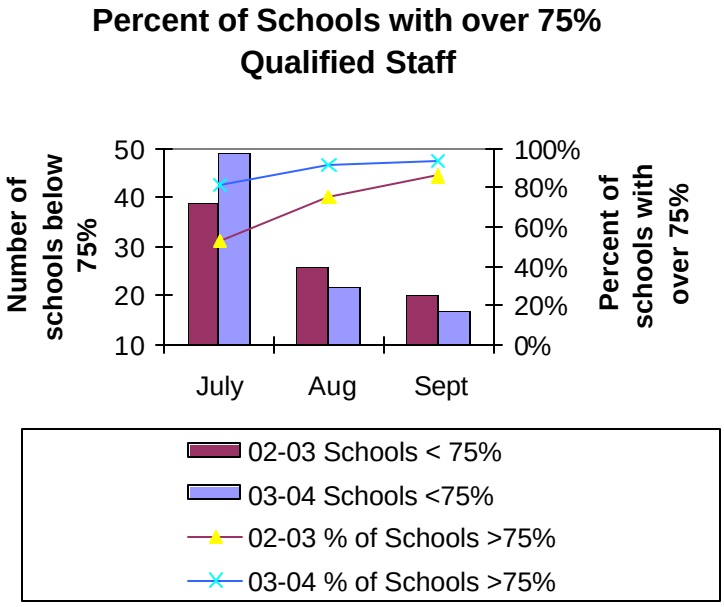
From September 2001, the number of "less than qualified" special education teachers in special education classrooms has dropped 70%, from 484 to 137. This has been accomplished while the number of actual allocated positions has increased by 70.

The Department continues to employ 133 teachers through the contract with Columbus. As projected, this is a decrease from the 195 teachers contracted through Columbus last year.

Infrastructure Goal #2: 95% of the schools will have 75% or greater qualified teachers in special education classrooms.

A previous benchmark set forth the target of no school with less than 75% qualified teachers in the classroom. In order to meet this goal, schools requiring less than four (4) special education teacher positions, 28% (72) of the schools, would be required to have all (100%) of the placed special education teachers qualified. The Department has determined a practical goal is that 95% of all schools will have 75% or greater qualified special education classroom teachers.

This measure provides information regarding the availability of special education knowledge and expertise to assist with day-to-day instructional and program decision making in support of special needs students.



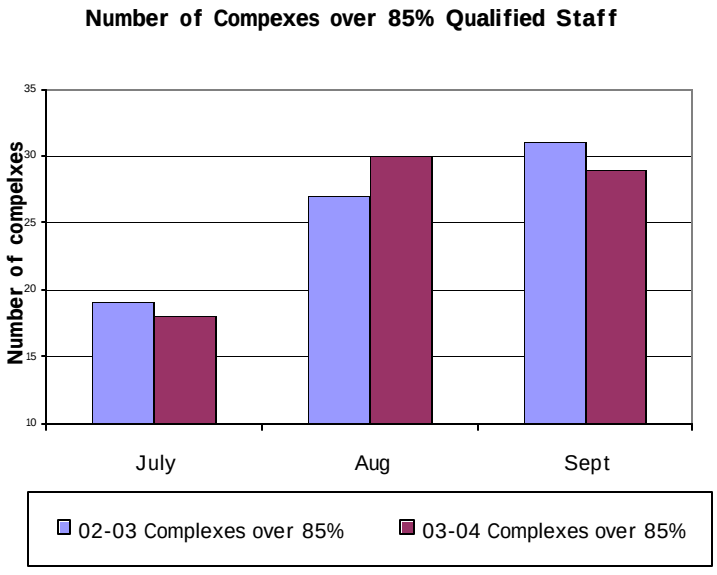
The targeted placement of qualified special education teachers in special education classrooms during this period maintained the percentage of schools with greater than 75% qualified teachers at

93.5%. Last September there were 20 schools with less than 75% qualified staff, this year there are 18.

The steadily decreasing number of schools with less than 75% qualified staff illustrates the Department's ability to place qualified staff hired at the beginning of the school year in schools where their knowledge and skills will provide the greatest benefit to students. Directives and monitoring of teacher contracts and filling of vacant positions for the upcoming school year by Personnel Resource Officers, PROs has positively impacted this infrastructure goal.

Infrastructure Goal #3: 85% of the complexes will have greater than 85% or greater qualified teachers in special education classrooms.

This measure helps illustrate the distribution of special education instructional expertise through out the state. There is no previous court benchmark targeting staffing at the complex level. However, the prevalence of qualified staff through out a complex is an indicator of the degree of support available to school staff and the continuity of instructional quality over time for students. For example, the impact of less than 75% qualified staff in a school within a complex with all other schools fully staffed is far less than if all schools had less than 75% qualified staff. Therefore, the Department has added this measure as an internal infrastructure indicator for monitoring.



The number of complexes with greater than 85% qualified staff remained similar during this quarter when compared to the same quarter last year. At the end of this quarter there

were 29 complexes with greater than 85% qualified staff. This is short of the goal of 85% of the complexes meeting this target. This is attributed to the inaccurate projection of needed special education teachers within several complexes.

Infrastructure Goal #4: 95% of all Educational Assistant positions will be filled.

Educational Assistants (EAs) provide valuable support to special education teachers and students throughout the school day and in all instructional settings. Since SY01-02 the EA allocation ratio is 1:1 with the Special Education Teacher allocation. The 100% increase in positions exacerbated a problematic personnel recruitment process, namely recruiting and employing EAs through the Department of Human Resources. The Department has added this infrastructure goal to monitor the employment rate of EAs.

The actual number of EA positions equals or exceeds the number of allocated special education teacher positions because EA positions may be reconfigured in order to maximize support availability during the time students are in class.

The goal of 95% of EA positions filled was not met. At the end of September 2003 there are 2,316 EA positions in schools, with 2,016 (87%) filled. Of the 2,316 EA positions, 1,998 are established as civil service positions, of which 91% are filled. Eighty percent (80%) of the Emergency Hire (EH) positions were filled at end of September 2003

At the end of this quarter there are 272 (13%) more EA positions available to schools. There are 197 (11%) more actual employees working with students with disabilities than at the end of the last school year.

Analysis of the recruitment and retention of paraprofessional educators has shown that meeting this target in the immediate future will be a challenge for the Department. The goal of recruiting and retaining a highly qualified workforce requires the existence of a preservice training infrastructure and adequate compensation schedules; the Department either shares authority or is dependent upon another state agency in each of these areas. The traditional pool of paraprofessionals does not currently possess the requisite preservice training while those that do are able to find positions with more desirable compensation plans and are unavailable to the Department.

Therefore the Department has embarked on a training program that will provide newly hired employees with sufficient training to meet

the goal of a highly qualified workforce. This is a several year project.

HDOE will maintain sufficient SBBH staff to serve students in need of such services.

Infrastructure Goal #5: 75% of the School-Based Behavioral Health professional positions are filled.

Since December 2000, the Department has maintained that the use of an employee-based approach to provide School Based Behavioral Health (SBBH) services provides greater accessibility and responsiveness to emerging student needs. While it is anticipated that some degree of services will always be purchased through contracts due to uniqueness of student need and unanticipated workload increases, day-to-day procedures presume the availability of staff. Early planning anticipated a two to three year phase to reach the point at which employees would do 80% of the SBBH workload.

The early use of exempt from civil service employees within SBBH dramatically exceeded initial expectations for the recruitment and retention of SBBH employees. Last year the conversion of "exempt" positions to civil service positions caused staff turnovers that challenged program managers to maintain services without disruptions.

During this period the number of filled SBBH positions increased to 242. That is 72% of the professional staff positions. Eighty percent of the psychologists and 71% of the SBBH specialists positions are filled. It is still 10 positions short of the 75% staffing goal for SBBH.

While the active monitoring and proactive problem solving by SBBH Program Coordinators provides continuous services to students, the SBBH system continues to rely more heavily on contracted services than intended.

The Officer of Human Resources in cooperation with the Department of Human Resource Development is finalizing entry-level positions to increase the potential applicant pool. These positions will require greater on-the-job training and supervision and will acquire the necessary knowledge and skills through training.

Infrastructure Goal #6: 80% of the identified program specialist positions are filled.

Recruiting and retaining leadership for key program areas has been an ongoing challenge for the Department. The lack of in state programs providing terminal degrees coupled with geographic isolation from institutes of higher education and recruitment constraints regarding pay based on experienced earned in other

systems has made it very difficult for the Department to hire program specialists capable of providing important leadership.

The difficulty in keeping these five (5) important positions filled continues. The two positions filled during the fourth quarter are now vacant. The Reading Specialist has moved to a university program. Most recently, effective October 31, 2003, the SBBH Specialist has resigned. The Autism Spectrum Disorder (ASD) position is being advertised, internally and externally, for a second time.

On a very positive note an interview for the Individualized Education Program (IEP) Specialist position will soon be held. A very strong in state candidate has applied. Also, one of the two psychology positions created from the Functional Behavioral Assessment (FBA) Specialist position continues to provide training and SBBH program support. The second position is being re-advertised.

This infrastructure measure is not met. The initial intent in this requirement to infuse programmatic expertise in the Department has only been partially successful. While each hired specialist has brought much needed knowledge and skills to the field, significant administrative duties and the challenge of providing immediate and profound impact on a large school system has tested each program specialist and reduced their overall effectiveness. Furthermore, increased levels of knowledge and skills possessed by Department staff and contractors has changed the type of expertise necessary to continue to foster system growth and improved performance. The system now requires experienced administrators, supervisors, and trainers of discrete intervention skills.

Integrated Information Management System - ISPED

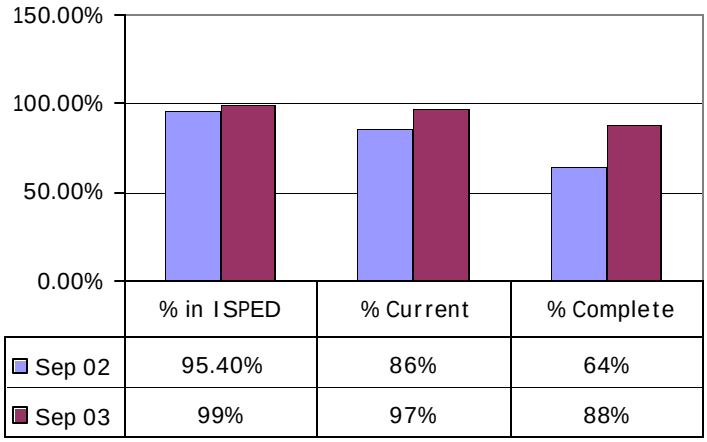
The need for an information management system to provide relevant data for analysis and decision-making is an important component of the infrastructure necessary to sustain high levels of system performance in the area of supports and services to students in need of such services. This information provides the basis for resource allocation, program evaluation, and system improvement.

Meaningful measurement of ISPED will provide specific information regarding the following: 1) ISPED data accuracy, 2) ISPED role in important management decisions, and 3) ISPED use by DOE administrators, CASs and principals.

Infrastructure Goal #7:
a) 99% of special education and section 504 students are in ISPED,
b) 95% of IEPs are current, and
c) 95% of the IEPs are marked complete.

The utility of ISPED as an information management system lies in the ability to provide a wide variety of users information that improves their productivity. Whether the information is unique student specific information used in program development or aggregate information used for planning purposes, accuracy and completeness is necessary. The three components embedded in Infrastructure Goal #7, when achieved and maintained, will give users confidence that accessed information will assist in good decision-making.

ISPED Data Entry



	% in ISPED	% Current	% Complete
Sep 02	95.40%	86%	64%
Sep 03	99%	97%	88%

ISPED Status and Capacity Development Actions:

Improved ISPED functioning has permitted ISPED administrative activities during this quarter to encompass additional capacity development activities. Improvements expand the archive capacity to make it more responsive and dependable as the volume of data contained within ISPED continues to expand. Additional improvements ensure that Office of Special Education, U.S. Department of Education, data requirements are met.

Infrastructure Goal #8: ISPED will provide reports to assist in management tasks.

The increased administrative need for timely and accurate information is very evident in the ISPED reports. At this time there are 87 reports available to teachers and administrative staff. During this quarter many reports were reviewed to ensure that school specific information was easily obtained and understood by a wide variety of new users.

Infrastructure Goal #9: School, district, and state level administrators will use ISPED.

ISPED provides DOE administrators 87 real time reports designed to assist in measuring system performance at the school, complex, and state levels, as well as provide data for resource allocation. The Department began tracking administrator "log ons" to ISPED as broad indicators of both the utility of the reports as well as administrative behavior regarding the use of data in proactive management.

The table below depicts the tremendous increase by Principals, District Education Specialists (DES), and Complex Area Superintendents (CAS).

Table: Administrative "Log-ons" to ISPED

	1st Qtr 02	1st Qtr 03	% <>
CAS	20	27	+135%
DES	78	552	+700%
Principals	470	2,033	+432%

This data suggest that the action plans generated through the Special Education Section designed to improve overall system performance has had an impact on administrative behavior regarding the use of data in decision making and monitoring the impact of system performance activities. The Department expects to see these numbers increase as the school year continues. .

(135) The system must be able to continue to purchase the necessary services to provide for the treatment of children appropriate to the individual needs of the child.

Infrastructure Goal #10: The Department will maintain a system of contracts to provide services not provided through employees.

During this report period the DOE has maintained 49 contracts with 26 different private agencies to provide SBBH services, including Community-Based Instruction Programs, and ASD on an as needed basis. New contracts took effect during this report period. There are nine (9) types of contracts covering the following services: assessments, behavioral interventions, intensive services, psychiatric services, and five (5) for Community Based Instruction (CBI) services. Listed below is the number of contracts by type of service.

Type of Service	Number of Contracts
Assessment	10
Behavioral Intervention	11
Intensive Services	12
Psychiatric Services	8
CBI (ages 3-9)	1
CBI (ages 10-12)	2
CBI (ages 13-200	3
CBI (gender specific)	1
CBI (ASD/SMR)	1

During the first two months of the 1st quarter of SY02-03 the Department contracted services for ASD students at an average expenditure of approximately $2.1M per month. The present rate of expenditure is slightly over 30% higher at $2.76M per month. Data for September 2003 is not complete but appears to support this trend. This data is being closely monitored due to the possible financial impact during the second semester. This data excludes expenditures from Kauai.

Infrastructure Goal #11: Administrative measures will be implemented when expenditures exceed the anticipated quarterly expenditure by 10%.

The broad programmatic categories within EDN150 are Special Education Services, Student Support Services, Educational Assessment and Prescriptive Services, Staff Development, Administrative Services, and Felix Response Plan. EDN150 allocations for all of these groups total slightly more than $288M dollars for SY03-04. Through September 2003 just over $67M (23%) was expended. Although this year's expenditures are 17% higher than last year, it is in line with projections.

Only the Special Education Services expenditures collectively exceeded projected expenditures. An analysis of the spending indicated that this was due to a large expenditure of funds related to Extended School Year programs. Since this expenditure is inline with programmatic needs and is essentially a 1st quarter expenditure, no adjustments are necessary at this time.

Key Performance Indicators

The existence of an adequate infrastructure is not an end in and of itself. The true measure of the attainment of EDN150 program goals and objectives are in the timely and effective delivery of services and supports necessary to improve student achievement. While the measurement of student achievement lies within the purview of classroom instruction, key system performance indicators exist that provide clear evidence of the timeliness, accessibility, and appropriateness of supports and services provided through EDN150 and the responsiveness of CSSS to challenges threatening system performance.

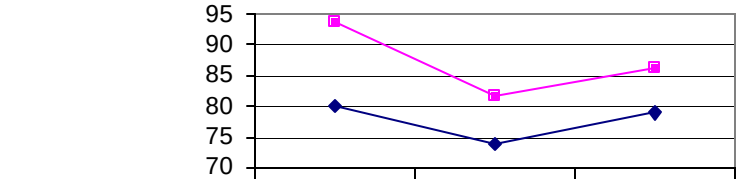
(136) The system must be able to monitor itself through a continuous quality management process. The process must detect performance problems at local schools, family guidance centers, and local service provider agencies. Management must demonstrate that it is able to synthesize the information regarding system performance and results achieved for students that are derived from the process and use the findings to make ongoing improvements and, when necessary, hold individuals accountable for poor performance.

(Revised Felix consent Decree, July 1, 2000, page 20)

Performance Goal #1: 90% of all eligibility evaluations will be completed within 60 days.

Good practice and regulation expect timely evaluation to provide the foundation for an effective individualized education or modification program that will assist students achieve content and performance standards. This measure identifies the timeliness with which the system provides this information to program planners.

Comparision of 60-day Timelines



	July	Aug	Sept
1st QTR 02-03	80	74	79
1st QTR 03-04	93.7	81.7	86.3

The Department met this goal only once in the three (3) months. Once again the reduced availability of students, parents, and staff to participate in evaluation and IEP development activities

negatively impacted this performance indicator. In September 2001 there were 135 evaluations not completed on time, this September, 2003, there were 66. During the 1str Quarter, 2002, the Department conducted 2,354 evaluations with a timeliness completion rate of 78%. In this report period, 87% of more than 2,800 evaluations were completed on time.

The Special Education Section, in cooperation with District Education Specialists, developed Action Plans in June 2003 and is now implementing the action plan to address uneven performance in this area. This action plan provides school administrators with tools and training to analyze school data and performance of timely evaluation and plan development for students. It also identifies those schools with persistent underperformance, for targeted technical assistance in analyzing data and making corrective actions. Twice monthly updates and analysis with school level details are provided the CAS.

Performance Goal #2: There will be no disruption exceeding 30 days in the delivery of educational and mental health services to students requiring such services.

A service delivery gap is a disruption in excess of 30 days of an SBBH or ASD related service identified in an IEP or MP. A "mismatch" in service delivery (i.e., counseling services expected to be provided by an SBBH Specialist actually delivered by a school counselor) is included in this category as a service delivery gap.

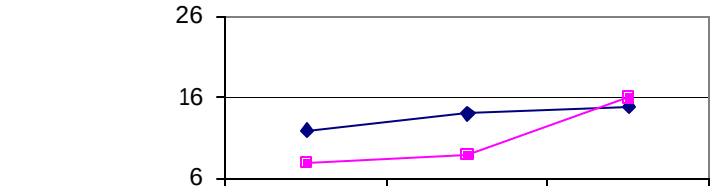
Service delivery gaps occur for a variety of reasons but are due primarily because an individual related service provider (i.e., speech therapist) is temporarily unavailable to provide the requisite service as opposed to "wait lists" which are due to the unavailability of a program of educational services. Last school year there were only a few students for whom a program, CBI, was not available. Increased CBI capacity was developed through new contracts and the issue is currently addressed.

With the stabilization of SBBH employees during the second semester of SY02-03, the number of gaps has decreased. There is an average of 11 gaps a month compared to 13 gaps a month one year ago. This is markedly better than the 48 gaps reported in September 2001.

Gaps continue to occur in three distinct areas, skill trainers, medication monitoring, and individual/group ongoing interventions. These gaps tend to occur in geographically isolated areas.

During the last quarter and during the first month of this quarter there were isolated difficulties in accessing medication-monitoring services in some locations. An immediate solution was achieved when the contractor hired an additional psychiatrist. However, the Department continues to explore cooperative agreements with other state agencies providing psychiatric services as a long-term solution.

Comparison of Service Delivery Gaps



	July	Aug	Sept
1st QTR 02-03	12	14	15
1st QTR 03-04	8	9	16

A shortage of Skills Trainers, direct service providers to students with Autism Spectrum Disorders (ASD), appears to be emerging. During this quarter, 12 gaps (36%) of all gaps were due to a shortage of Skills Trainers. Contractors report a high turnover rate and difficulties in training new employees. The ASD action plans, further delineated under Performance Goal #12, provide both immediate and long-term answers to this problem.

Specific to the issue of skills trainers the ASD action plan targets immediate capacity development activities in those areas reporting service delivery gaps due to the lack of available skills trainers. The development of capacity among DOE staff augments the skills trainer capacity among contractors and provides flexibility to meet those times with high demand. Additionally, there are regular meetings with District Autism Consulting Teachers and contractors regarding service coordination.

Performance Goal #3: The suspension rate for students with disabilities will be less than 3.3 of the suspension rate for regular education students.

In August the Court Monitor and Plaintiff Attorneys expressed concerns relative to the suspension of students with disabilities. The Court Monitor raised questioned the applicability of using as a

target the 3.3 rate reported in the Government Accounting Office (GAO) report of 2001 based on serious misconduct, while the Plaintiff Attorneys speculated that suspension rates may be indicative of inadequate programs for students with disabilities.

Background

The suspension rate of special education students relative to their regular education peers has received attention since prior to the Felix Monitoring Office study in November 2000. Of primary concern to the study was whether or not special education students were suspended more frequently than their non-disabled peers. At that time, there was little data available for an adequate comparison beyond the Department's own historical data.

This present investigation into the use of suspension by HDOE schools in response to students with disabilities misconduct concentrates on the following three questions:

1. Is the Department, or schools, suspending special education students at a higher rate than nationally?
2. Is the Department, or schools, more likely to suspend special education students than regular education students?
3. Has the Department's efforts since 2001 had an impact?

There is some information external to the DOE for comparison. The aforementioned GAO study, January 2001, Student Discipline, provides insight related to serious misconduct during SY99-00. While the study intended to provide a nationally representative sample, the response rate to this survey by middle and high schools was insufficient to draw such conclusions. Nonetheless, this survey provides insight into the suspension rates of regular and special education students and the percentage of schools with higher rates of serious misconduct.

A more recent study, the Special Education Elementary Longitudinal Study (SEELS) reports parent information regarding the number of suspensions experienced by students with disabilities aged 6-12. This study does purport to be nationally representative.

Findings

1. Is the Department, or schools, suspending special education students at a higher rate than nationally?

There are two (2) possible comparisons :

A. The GAO survey of 272 middle and high schools indicated that on average the incidence of suspension for serious misconduct for regular education students was 15/1,000

and 50/1,000 for special education students. It also revealed that 31% of the schools reported greater than 10 incidents per year for regular education students while 15% reported over 10 incidents per year for special education students.

In HDOE schools the regular education suspension rates for SY01-02 and 02-03 were 24.5 and 28.8, respectively. Similarly, the incidence of suspension for special education students was 62.8 and 74.04 for the same years. The incidence of suspension for regular education students was, on average, 1.78 times higher and 1.37 times higher for special education students than that reported in the GAO study for their peers.

It should also be noted, more secondary schools in Hawaii reported over 10 incidents per year (SY01-02 and 02-03) for regular education students, 71% and 84%, as well as special education students, 60% and 65%, respectively. Assuming relatively uniform application of Chapter 19 procedures, the higher number of incidents per campus would appear to indicate more frequent serious misconduct by both regular and special education students on middle and high school campuses.

While the GAO study cautions that it cannot be used as a national sample, due to smaller than desired return rates, it is clear that HDOE middle and high schools suspend students, both regular and special education, for serious misconduct at a greater rate than the respondents in the GAO survey. One should also be mindful that the GAO survey was in SY99-00 while the Department's data is from the two later years.

B. Parents responding to the SEELS survey indicated that approximately 8% of their special needs children were suspended for misbehavior during the most recent school year. The survey sample was developed to allow comparisons nationally, that response equates to a suspension rate slightly higher than 80/1,000 special education students.

The suspension rate for elementary aged special education students during SY02-03 was just over 40/1,000 (about 4%). 104 (61%) of the elementary schools did not suspend a special education student last year, as opposed to 96 (56%) that did not suspend a regular education student. Only 28 (16%) of the elementary schools has a suspension rate equal or greater than parents reported in the SEELS survey.

Based on this information it does not appear that HDOE elementary schools, as a group, overly rely upon suspension as a response to misconduct by special education students.

2. Is the Department, or schools, more likely to suspend special education students than regular education students?

   A. The GAO study of serious misconduct in middle and high schools indicated that the rate of suspension for special education students was 3.3 times higher than the rate of suspension for regular education students.

   An investigation into the suspensions for "Class A Offenses" under Chapter 19 similar to those termed "serious misconduct" in the GAO study was done for SY 01-02 and SY02-03. The incidence of suspension rate for "Class A Offenses" during SY02-03 was 2.57 and in SY01-02 in HDOE middle and high schools was 2.56, much lower than national survey sample for "serious misconduct" at 3.3.

01-02	Suspensions	Population	Rate/1K
Reg Ed	1,767	71,993	24.5
Sp Ed	718	11,412	62.8

02-03	Suspensions	Population	Rate/1K
Reg Ed	2,058	71,463	28.8
Sp Ed	885	11,953	74.04

Note: These numbers are for distinctly middle and high school campuses.

During SY01-02 there were 24 (33%) middle and high schools with the suspension rate for special education students higher than 3.3. In SY02-03, it dropped to 22 (30%) of the schools, even though the number of suspensions for each group rose. Eight (8) schools were over 3.3 for both years. Of those, the rates for 5 schools dropped.

Again, with the understanding that the GAO survey has limitations due to return rate, it would appear that the HDOE middle and high schools do not disproportionately suspend special education students for serious misconduct at a higher rate than the GAO survey schools. In fact, in spite of the generally high rates for suspension mentioned previously, the risk rate for suspension for special education students is approximately one half of that found for the mainland schools.

The incidence of suspension "risk rate" for all types of Chapter 19 offenses at the secondary level is 2.53. However, the overall rate of suspension for all offenses is obviously much higher for all students, regular and special education, 123/1,000 and 313/1,000, respectively, than for serious misconduct.

B. Elementary aged students

The use of relative suspension rates in small schools is somewhat misleading in that the suspension of only one or two students drastically changes the incidence of suspension for either the regular education or special education students. This is true whether it is within a single month or the entire school year. Also, the suspension of a single student or several students, regular or special education, within an entire school year is not sufficient to determine a pattern with regards to addressing student misconduct.

Unfortunately the SEELS data does not speak to the relative rate of suspension for regular and special education students for misconduct and there is no information external to Hawaii for comparison. In previous report, the Felix Monitoring Office used 2.5 times, November 2000, and 3.0 times, April 2002, as an indicator of disproportionately high rate for special education student suspensions over those of their regular education peers.

The Table below depicts the distribution of the number of special education suspensions, suspension rate per 1,000 special education students, and relative risk rate compared to regular education students.

SY01-02	0-2	3+	<40	<80	>80	>3.0
Number	127	46	123	15	35	63
%	73	27	71	9	20	36

SY02-03	0-2	3+	<40	<80	>80	>3.0
Number	134	39	132	11	28	46
%	77	23	77	6	16	27

In SY01-02 57% (99) and SY02-03 60% (104) of the elementary schools did not suspend any special education students. Over 70% of the elementary schools suspended special education students 2 times or less.

It is predictable then that over 70% of the elementary schools also have suspension rates below the state average of 40/1K special education students. Only, 35 (20%) of the elementary schools had suspension rates for special

education students over the SEELS published rate of 80/1K. This number dropped for elementary schools in Hawaii to 27 (16%) schools in SY02-03.

The aggregate suspension "risk rate" for elementary aged special education students is 6.0. Based on the Court Monitor's April 2002 use of a risk rate of 3.0 there were 27 elementary schools at the end of SY02-03 whose use of suspension for addressing special education misconduct bears further investigation. This number is down from the 36 schools the previous years.

3. Has the Department's efforts since 2001 had an impact?
   The impact of Departmental efforts to address the suspension of special education students is included within the greater issue of school safety and the suspension of all students. At the secondary level, the low and decreasing relative risk rate for special education student suspensions provides evidence that school administrators and staff are attentive to special education student support and programming needs that may have an effect on student misconduct.
   At the elementary school level, most schools do not suspend special education students, evidencing that efforts to improve the school response to student misconduct has been effective. The increasing number of schools that do not suspend and decreasing number of schools with relative risk rates above 3.0 again suggests that Departmental efforts are making a difference.

1st Quarter Suspension Data

During this quarter 64 (25%) of the schools reported suspending students. Of those, 15 did not suspend any special education students meaning that in 207 (81%) of the schools there were no suspensions of special education students.

In those schools that did suspend special education students, 27 had a special education versus regular education suspension rate of less than 3.0 while 27 was over 3.0. This data is for all schools, elementary and secondary, and all classes of offenses. This equates to an overall average suspension risk rate of 1.02.

Performance Goal #4: 99.9% of students eligible for services through special education or Section 504 will have no documented disagreement regarding the appropriateness of their educational program or placement.

There are two sources of documented disagreements. One is a formal written complaint mechanism. By regulation, formal written complaints must be addressed within 60 days. A second is

the Request for an Impartial Hearing. A decision by an Administrative Hearings Officer is to be issued within 45 days of the filing of a request.

Special Study on Complaints as an Indicator of Program Adequacy

In an August 13, 2003 letter, the Plaintiffs' Attorneys express concern regarding the number of requests for due process hearings, students on Home/Hospital Instruction, and suspensions, suggesting they may be indicative of inadequate programs for students with special education and mental health services. An analysis of these factors was done to ascertain the extent to which these indicators imply the need for improvements in the delivery of special education and related services.

While the number of due process hearings held during SY 02-03 was higher than those reported nationally, it was consistent with the previous years. A more thorough discussion regarding the number of requests for administrative hearings was made available to the court in June 2003.

A recent Government Accounting Office (GAO) report released in September 2003, reported on Dispute Resolution under IDEA using data from 2000. In that report the GAO calculated that nationally the number of due process hearings was 5 per 10,000 students with disabilities. Additionally, it was estimated that there were 10 complaints and 7 mediations per 10,000 students with disabilities. In that report the GAO concluded that high concentrations of hearings in a few localities were indicative of multiple influences in the decision to request a hearing.

Based on the GAO study the Department should have anticipated as many as 300 formal objections to the provision of FAPE to students with disabilities.

During SY 02-03 there were 174 requests for hearings regarding 149 different students. Of those students, 14 (9%) had been suspended. That is a suspension rate of 93.9 per 1,000 students. That is well below the state average of 213 per 1,000 and near the 8% rate reported by parents in the Special Education Elementary Longitudinal Study (SEELS). It does not appear that the large number of requests for administrative hearings is due to issues that result in or are in response to student misconduct

1st Quarter Results

There were 69 formal complaints this quarter. The Department barely missed this goal during this quarter, as only 99.8% of the students receiving services during this quarter had no documented

disagreements. This is the result of the high number of Requests for Impartial Hearings.

Complaints

The number of formal written complaints regarding the delivery of mandated services and supports to students continues to be extremely low. During the 1st Quarter of SY03-04 the Department received five (5) written complaints.

Quarter	1st SY 02-03	4th SY 02-03	1st SY 03-04
Number	2	3	5

The Special Education Section, Complaints Office, also receives telephone inquiries regarding the delivery of educational services and supports to students with disabilities. These inquiries do not rise to the level of a formal complaint but nonetheless provide additional information regarding the degree to with school and complex staff are effective in communicating with parents regarding the educational needs, characteristics, and subsequent educational program decisions for students. There were 18 such calls during the 1st quarter.

Requests for Impartial Hearings

The number of requests for impartial hearings has been steadily increasing since 1997. An analysis of requests for impartial hearings and the outcomes was submitted to Court in June 2003.

Month	SY 01-02 #	SY 02-03 #	SY 03-04 #
July	16	17	14
August	14	18	9
September	15	15	41

The spike in September 2003 is partially due to multiple hearing requests related to a change in contractors. In previous years a noticeable increase in requests for hearings appeared later in the school year. For example, in the month of October 2003 there were 10 requests as opposed to 26 in October 2002. Sixty percent of the requests involve placement issues, with 23 (36% of the total), private school placement at public expense.

During this quarter two additional hearing officers were hired and trained. This brings the total number of hearing officers to 5. A noticeable improvement in scheduling and completion of hearings has been noted.

Performance Goal #5: The rate of students requiring SBBH, ASD, and/or Mental Health Services while on Home/Hospital Instruction will not exceed the rate of students eligible for special education and Section 504 services requiring such services.

In an August 13, 2003 letter, the Plaintiffs' Attorneys express concern regarding the number of requests for due process hearings, students on Home/Hospital Instruction, and suspensions suggesting they may be indicative of inadequate programs for students with special education and mental health services. An analysis of these factors was done to ascertain the extent to which these indicators imply the need for improvements in the delivery of special education and related services.

During the 3rd and 4th Quarters of SY02-03, there were a total of 24 special education students receiving Home/Hospital Instruction (H/HI). There were 17 and 14 in the 3rd and 4th quarters, respectively. Two (2) students were on during both quarters. The average student was on H/HI for 6 weeks. One school had 3 students on H/HI during this period.

Only 5 (21%) of the students were suspended during SY02-03. That is a suspension rate of 208/1,000. Less than the average incidence of suspension rate for special education students.

1st Quarter H/HI

The number of students receiving Home/Hospital Instruction (H/HI) decreased from 227 in the last quarter of SY02-03 to 91 students in the 1st quarter of SY03-04. In fact, the 91 students on H/HI during the 1st quarter of SY03-04 is well below the 173 in the 1st quarter of the previous school year. Of the 91 students on H/HI during this quarter, 27 were students with disabilities.

There were only 8 (13.5%) students with disabilities in need of SBBH services. The percentage of students with disabilities in other educational arrangements with either SBBH or Mental Health in their educational plans is 32% statewide. This goal is met.

Quarter	1st Qtr SY 02-03	4th Qtr SY 02-03	1st Qtr SY 02-03
Total # students on H/HI	173	227	91
# Students with disabilities on H/HI	90	107	27
% Of students with disability requiring SBBH or Mental Health	13%	23%	13.5%
State % of students with disabilities receiving SBBH or Mental Health	45%	32%	32.5%

The number of students placed in H/HI due to social and emotional needs has dropped this quarter.

Quarter	1st SY 02-03	4th SY 02-03	1st SY 03-04
Number of Students	7	14	8

Performance Goal #6: 100% of complexes will maintain acceptable scoring on internal monitoring reviews.

There were no internal reviews conducted during this quarter. Please refer to Section IV, Internal Monitoring for October 2003 monitoring results and information.

Performance Goal #7: 100% of the complexes will submit internal monitoring review reports in a timely manner.

There were no internal monitoring review reports due this quarter.

Performance Goal #8: State Level feedback will be submitted to complexes following the submittal of internal monitoring review reports in a timely manner.

There was no State Level feedback on internal monitoring review reports due in this quarter.

Performance Goal # 9: "95% of all special education students will have a reading assessment prior to the revision of their IEP."

The Stanford Diagnostic Reading Test (SDRT) is the reading assessment used prior to the annual revision of the IEP. It is recommended that the assessment be administered within 90 days of the IEP. The SDRT is a group-administered, norm-referenced multiple-choice test that assesses vocabulary, comprehension, and scanning skills.
The SDRT is not, nor is it intended to be, an adequate measure for a complete understanding of the student's PLEP. This is because, although diagnostic, the SDRT also falls into the category of summative assessments. A summative assessment is generally a measure of achievement or failure relative to a program or grade level of study.

Students exempted from the SDRT may need alternative (not alternate -- that refers to the state high stakes testing), formative assessments to guide instruction. This might be any combination of teacher observation, a one-on-one reading conference, the Brigance, etc.

This measure is not met at this time. The compliance rate mirrors that of the 1st Qtr of last school year with low rates for July and

August of 24% and 31.5%, respectively. Once school begins completion rates increase dramatically, to 61.5% in September 2003.

The Special Education Section action plan addresses the completion rate of SDRT administration prior to IEP team meetings. Additional training is targeted to schools to ensure that responsible school staffs are familiar with the SDRT and the use of SDRT data in IEP development. Additionally, the SDRT completion rates are one of the performance goals targeted for state level monitoring and targeted assistance to complex staff engaged in supporting identified schools in need of improvement. New ISPED reports now contain SDRT completion rates available at the state, district, complex, and school level. These reports, when combined with reports identifying IEPs that are scheduled for annual review, monitored by State Special Education staff are expected to increase the degree of compliance with this important performance measure.

Performance Goal# 10: 95% of all special education teachers will be trained in specific reading strategies.

Training of special education teachers was a two-year project. Approximately one half was to be trained in each year. Cohort 1 includes 942 special education teachers. This cohort received training during the SY 2001-2002. Cohort 2 was comprised of

1134 special education teachers trained during the SY 2002-2003 (2nd and 3rd Quarter).

This target has been met and continues to be met as all newly hired special education teachers are currently being trained in the same curriculum as initially used. The initial round of training will be completed by October 2003 with the second installment beginning in January 2004. Teachers are taught (a) reading strategies and assessment and (b) the direct link between them and writing

effective IEPs containing specific reading strategies and assessments for special education students.

Performance Goal #11: 90% of all individualized programs for special education students will contain specific reading strategies.

To determine the degree of compliance with this expectation, Reading Resource Teachers in the Special Education Section randomly select 10 IEPs per complex written during the month. The selected IEPs are reviewed for evidence of the inclusion of specific reading strategies.

Performance in this area dipped during this quarter. It is likely that the combination of summer hires and new teachers contributed to decreased performance.

Reading Strategies in IEPs	July	Aug	Sept	Aggregate Total
# with reading strategies	312	366	421	1,099
% with reading strategies	79%	91%	87%	86%

This performance goal is not met. The Special Education action plan provides focuses attention and assistance to those complexes that do not meet the performance target. This action plan, coordinated with complex area action plans, focuses increased administrative support and monitoring on schools not meeting expectations.

Performance Goal #12: System performance for students with Autism Spectrum Disorder will not decrease.

The Department continues to use the Internal Review process as an indicator of system performance related to students with ASD. During the 1st quarter no internal reviews were conducted because of the summer break. As a result, there is no system performance data so this report relies upon other information to speak to system performance for students with ASD.

During SY02-03, approximately 30% of all requests for hearings were for students with ASD. During the 1st quarter of SY03-04, however 18.5% of the requests for hearings were for students with ASD. Currently there are 963 students identified with a DOE eligibility of Autism or a clinical diagnosis of ASD. This is an increase of 23 identified students from 940 students at the end of SY02-03.

During this quarter, over 80% of the ASD expenditures are to provide individual student Skills Trainers. The next two largest expenditure items are for Autism Consultants and off campus instructional programs.

Proactively the Department has begun implementing a long-range action plan to maintain and improve services to students with ASD.

On July 1, 2003, the department entered into a contract with Child and Family Service (CFS) to run a Special School for children with ASD. The department and CFS have quickly developed a very good working relationship. CFS is working very closely with the home schools of the students in the special school to ensure that the educational needs of the students are being met appropriately. Both

CFS and the home schools work collaboratively towards the goal of transitioning students back into their home schools and the least restrictive environment.

The Department is working with district level personnel to begin to develop action plans for Autism for each district. These plans are consistent with the state level action plan without duplication of efforts. The action plans cover quality student support and staff development/capacity building. In an effort to address gaps in services, each district will increase the number of qualified employees able to deliver skills trainer and autism consultation services affording school/district level control of service providers.

The Best Practice Guidelines for ASD Programming and Classroom Committee has been formed and have begun monthly meetings. The draft form of the Guidelines for the Procurement of Services and Guidelines for Assessment are being reviewed and refined for a final draft.

A request for professional services (with expertise in Autism) for program development, program evaluation and teacher training has been posted on the DOE website.

Districts have submitted and posted their training calendars for SY 03-04 on the SES website. District Autism Consulting Teachers can be contacted for district trainings that are not posted on the SES website.

Performance Goal #13:The SBBH Program performance measures regarding service utilization will be met.

This section contains information on SBBH service utilization. Monitoring trends in service utilization and provision allows SBBH Program Coordinators to coordinate service delivery, maximize resources, and assure students receive the required services.

Formal SBBH interventions are either one time, as in the case of assessments, or on going, Individual Counseling, Group Counseling, Family Counseling/Parent Training, Community-Based Instruction (CBI) and Medication Monitoring. The data in the tables below is for students receiving on going SBBH services during March 2003. Medication monitoring for all 1041 students is done via contracted providers. Similarly, contractors provide all CBI programs for 154 students.

Service SY 02-03	Individual Counseling	Group Counseling	Family Counseling
# of students	5,606	1,275	1,728
% of total	65%	15%	20%

Service SY 03-04	Individual Counseling	Group Counseling	Family Counseling
# of students	6,191	935	1,224
% of total	64%	10%	13%

The most frequently used on-going intervention continues to be individual counseling. Family counseling frequently is used in support of individual counseling provided at the school.

Service Provider SY 02-03	Individual Counseling	Group Counseling	Family Counseling
DOE Staff	72%	75%	22%
Contract	26%	9%	70%
Other	2%	16%	9%

Service Provider SY 03-04	Individual Counseling	Group Counseling	Family Counseling
DOE Staff	80.7%	97%	33%
Contract	18.9%	3%	67%
Other	.3%	.3%	-

With the exception of Family Counseling, DOE staff provides most interventions. Contract providers frequently provide both Family Counseling and Individual Counseling in combination. Other providers include contractors or staff from other agencies.

Performance Goal #14:
a) 60% of a sample of students receiving SBBH services will show improvement in functioning on the Teacher Report Form of the Achenbach
b) Student functioning as described on the Achenbach TRF scores on students selected for Internal Reviews will be equivalent to those of a national sample

a) The memo alerting the field to collect the follow up data to meet part "a" of this performance measure has been issued. In May 2003, the Teacher Rating Form (TRF) of the Achenbach System of Empirically Based Assessment (Achenbach) was completed and scored on a sample of 1 in 10 students receiving SBBH services. The follow up data will allow the Department to measure and aggregate individual student progress as a systems performance measure.

b) A second set of performance data generated during the complex Internal Reviews will allow the comparison of TRF

data on students selected for reviews with a national sample. The measures will be used for special education students with and without SBBH services. This comparison will provide information regarding the identification of students who may require SBBH services and the recognition of need for students who may require services beyond SBBH.

There were no internal reviews during this quarter so data regarding SBBH system performance is not available

Performance Goal #15: System performance for students receiving SBBH services will not decrease.

Data to measure performance on this goal is generated in the internal review process. Since there were no internal reviews this quarter there is no data.

In order to provide quality services to student requiring SBBH services significant training is provided to school and complex staff. Training on Functional Behavior Assessment, Cognitive Behavioral Therapy, Practice Guidelines, and other subjects were provided in over 2,407 training sessions during this quarter.

Summary

The Department of Education has set high expectations regarding infrastructure and performance goals. Measurement of these goals over the past quarter, especially when compared to the 1st quarter of last school year, illustrates a number of strengths in demonstrating maintained infrastructure and improved performance.

Infrastructure and Performance Measures were met or exceeded for the following goals:

- ISPED utilization
- ISPED reports for management
- Availability of contracts to provide services
- Administrative action to assure adequate funding
- Suspension rates
- Formal disagreements regarding individual programs
- Use of Home/Hospital Instruction
- Training in reading strategies
- Quality of services to students with ASD
- Quality and availability of SBBH services
- Internal Monitoring Activities

While performance is high and improving, the Department remains challenged in the following areas:

- Qualified Teachers
- Educational Assistants Hired
- SBBH Staffing
- Program Specialists

- Timeliness of Evaluation
- Service Delivery Gaps
- Reading Assessments and Strategies

These measures did not achieve the desired goal but demonstrated strong performance throughout the reporting period. Most notably is the area of qualified staff. While there are more positions and more qualified staff than the previous year, the actual percent of qualified teachers statewide has stabilized at just over 89%. Similarly, while measures of the distribution of qualified teachers are stable and show no true pockets of students or staff without access to qualified special education staff, the desired targets have not been met. The recruitment and hiring of EAs mirrors last school year and, we anticipate a similar steady improvement.

Infrastructure goals related to ISPED are met and with increased use and reliance upon the data available for management decisions there is every reason to believe it will continue to increase. The new challenge for ISPED will be meeting these expectations in an environment demanding ever-increasing data.

Timeliness of evaluations, service gaps, and reading assessments and strategies continue to require close administrative attention if performance is to exceed Department identified performance goals. Similarly, the proactive program development and problem solving at the school level, with requisite assistance from complex and state staff, will be required to see meaningful reductions in the number of requests for impartial hearings.

Overall, in this reporting period the Department has continued to sustain a level of infrastructure and system performance consistent with or better than a year ago. Corrective actions directed at state, complex, and school level, based on data and analysis are leading to improvements in areas not yet achieving the high expectations set forth by the Department.